

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AMAZON.COM INC., *et al.*,

Plaintiffs,

v.

BAMB AWNS, *et al.*,

Defendants.

Case No. C22-402-MLP

ORDER

Plaintiffs filed this action on March 31, 2022. (Dkt. # 1.) On July 7, 2022, the Court granted Plaintiffs' Ex Parte Motion For Expedited Discovery, granting leave to serve third-party subpoenas prior to the Rule 26(f) conference for the purpose of discovering information regarding Defendants' true identities and locations in order to serve them. (Dkt. ## 6-7.) On September 21, 2022, the Court ordered Plaintiffs to show cause by October 7, 2022, why the case should not be dismissed for failure to timely serve. (Dkt. # 10.)

In Plaintiffs' response to the order to show cause, Plaintiffs note that the discovery they have received "suggests Defendants are located in China and Brazil," and thus, the 90-day time limit for service is inapplicable. (Pls.' Resp. (dkt. # 11) at 1-2.) Plaintiffs additionally "request 90 days to provide this Court with a further status update" on service. (*Id.* at 3.)

1 Federal Rule of Civil Procedure 4(m) requires the Court to dismiss an action against a
 2 defendant, or order that service be made within a specified time, if the defendant is not served
 3 within 90 days after the Complaint is filed. The 90-day time limit for service in Rule 4(m),
 4 however, “does not apply to service in a foreign country[.]” Fed. R. Civ. P. 4(m); *see also Lucas*
 5 *v. Natoli*, 936 F.2d 432, 432 (9th Cir. 1991) (“[T]he plain language of Rule 4 . . . makes the [time
 6 limit for] service provision inapplicable to service in a foreign country[.]”). Despite the lack of
 7 an express time limit, Rule 4(m) “does not preclude the court from ‘setting a reasonable time
 8 limit for service in a foreign country to properly manage a civil case.’” *Inst. of Cetacean*
 9 *Research v. Sea Shepherd Conservation Soc’y*, 153 F. Supp. 3d 1291, 1320 (W.D. Wash. 2015)
 10 (quoting *Baja Devs. LLC v. TSD Loreto Partners*, 2009 WL 2762050, at *1 (D. Ariz. Aug. 26,
 11 2009)).

12 Plaintiffs seek an additional 90 days to “allow them to complete review of third party
 13 productions, amend the complaint to name individuals identified in such productions, and move
 14 for alternative service.” (Pls.’ Resp. at 3.) Because the discovery received thus far indicates that
 15 all Defendants will likely need to be served in foreign countries, the Court concludes additional
 16 time to serve is warranted. The Court therefore DIRECTS Plaintiffs to, within 90 days of the date
 17 this Order is signed, serve Defendants, move for alternative service, or, if unable to do so, file a
 18 status report detailing their efforts to serve Defendants.

19 Dated this 11th day of October, 2022.

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21 MICHELLE L. PETERSON
 22 United States Magistrate Judge
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